

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

EQUI-TECH LABS, INC.,

Plaintiff,

v.

HAPPY TRAILS TACK SHOP, and
SHEILA AUSTIN

Defendants.

CIVIL ACTION NO. 5:09-cv-46

CONSENT JUDGMENT AND PERMANENT INJUNCTION

This matter was brought before the Court upon the Complaint of the Plaintiff, Equi-Tech Labs, Inc. ("Plaintiff" or "Equi-Tech") against Defendant Happy Trails Tack Shop ("HTTS") and Sheila Austin ("Austin") (collectively, "Defendants").

Now, upon Plaintiff's request for a final judgment and permanent injunction to restrain Defendants from, among other things, manufacturing, importing, distributing, selling or promoting any products protected by U.S. Patent No. 7,032,366 ("the '366 patent") and/or U.S. Patent No. 7,481,035 ("the '035 patent"), including but not limited to saddle pads listed as the Shenandoah Micro Suede Non Slip Saddle Pad and Shenandoah Grip Well Western Saddle Pad Brown; and it appearing to the Court that final judgment and a permanent injunction should be entered in favor of Equi-Tech; the Findings of Fact and Conclusions of Law and the Injunction and Order, as set forth hereinafter, shall be in full force and effect from this date forward.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. This Court has personal jurisdiction over the Defendants and subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), and venue has been properly laid in this district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

2. Equi-Tech is the owner, by assignment, of all right, title, and interest in and to United States Patent No. 7,032,366 ("the '366 patent") entitled "Non-Slip Horse Saddle Pad." The '366 patent was duly and lawfully issued by the United States Patent and Trademark Office on April 25, 2006. The '366 patent and all of its claims are presumed valid pursuant to 35 U.S.C. § 282.

3. Equi-Tech is the owner, by assignment, of all right, title, and interest in and to United States Patent No. 7,481,035 ("the '035 patent") entitled "Non-Slip and Ventilated Horse Saddle Pad." The '035 patent was duly and lawfully issued by the United States Patent and Trademark Office on January 27, 2009. The '035 patent and all of its claims are presumed valid pursuant to 35 U.S.C. § 282.

4. Defendants have sold one (1) saddle pad identified as the Shenandoah Micro Suede Non Slip Saddle Pad and/or the Shenandoah Grip Well Western Saddle Pad Brown. Defendants had five (5) of the above-identified saddle pads in inventory that were destroyed and/or disposed of appropriately.

5. Defendants have been making, using, importing, offering for sale and/or selling, using established streams of commerce throughout the United States, including in conjunction with customers and potential customers in this judicial district, saddle pads that infringe one or more claims of the '366 patent.

6. Defendants have been making, using, importing, offering for sale and/or selling,

using established streams of commerce throughout the United States, including in conjunction with customers and potential customers in this judicial district, saddle pads that infringe one or more claims of the '035 patent.

7. Defendants have committed the acts of infringement complained of herein without the consent or authorization of Plaintiff.

8. Based on the foregoing, the Court finds that Defendants have infringed the '366 patent and the '035 patent in derogation of 35 U.S.C. § 271.

PERMANENT INJUNCTION AND ORDER

Based upon the Findings of Fact and Conclusions of Law set forth above, it is hereby ORDERED, ADJUDGED AND DECREED that:

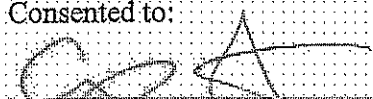
9. Defendants, together with their agents, servants, employees, representatives, successors and assigns, and all other persons, firms, or corporations acting in concert, privity, or participation with it be, and hereby are permanently enjoined from manufacturing, using, importing, distributing, selling or offering to sell any products protected by the '366 patent, in contravention of Plaintiff's rights in the '366 patent;

10. Defendants, together with their agents, servants, employees, representatives, successors and assigns, and all other persons, firms, or corporations acting in concert, privity, or participation with it be, and hereby are permanently enjoined from manufacturing, using, importing, distributing, selling or offering to sell any products protected by the '035 patent, in contravention of Plaintiff's rights in the '035 patent;

11. Plaintiff and Defendants shall bear their own costs; and

12. Final Judgment is hereby entered against Defendant as set forth herein.


Consented to:

 -counsel
Equi-Tech Labs, Inc.

Date: 5/21/09



Happy Trails Tack Shop

Date: 5-19-09


Sheila Austin

Date: 5-19-09

ORDERED this the 27th day of May, 2009.

A handwritten signature in cursive script, reading "Richard L. Voorhees". The signature is written in dark ink and is positioned above a horizontal line.

Richard L. Voorhees
United States District Judge